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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,685	06/23/2003	Tatsuo Shimofurutani	KASA:026	7994
7590 08/31/2004				
ROSSI & ASSOCIATES P.O. BOX 826 ASHBURN, VA 20146-0826			EXAMINER PETERSON, KENNETH E	
			ART UNIT 3724	PAPER NUMBER

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,685

Applicant(s)

SHIMOFURUTANI, TATSUO

Examiner

Kenneth E Peterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 23 June 03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Claims 4-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 26 July 04.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a).

Applicant has admitted that band saws are old and well known in the lumber cutting industry. However, Applicant has not admitted that the teeth of these bandsaws are bent to one side.

The patent to Biederman teaches bending a plurality of teeth to one side, and no teeth to the other side, in order to get a good finish on one side of the kerf. Biederman's teachings apply to all kinds of saws (lines 60-65, column 2). It would have been obvious to one of ordinary skill in the art to have modified the admitted prior art band saws by setting a plurality of teeth to one side, and no teeth to the other side, as taught by Biederman, in order to achieve the described good finish.

It is noted that Applicant's claims do not preclude the blade having some straight teeth.

In regards to claims 2 and 3, Examiner takes Official Notice that it is old and well known to have projecting tooth tips of generally the recited dimension. Examples of such are the patents to Kobayashi et al., Kawakami et al. and Kataoka et al. It would have been obvious to one of ordinary skill in the art to have made projections with the recited dimensions on the tooth tips of the modified bandsaw, in order to effectively widen the kerf and thus prevent blade binding.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a).

Applicant has admitted that band saws are old and well known in the lumber cutting industry. However, Applicant has not admitted that the teeth of these bandsaws are bent to one side. An example of an admitted prior art bandsaw is the patent to Nakahara et al., who teaches that oversetting the teeth to one side can produce a curved cut (lines 48-56, column 1).

Examiner takes Official Notice that it is well known to bend all of the teeth to one side in order to create a saw blade that produces a curved cut, for making arcuate products. An example of this is the patent to Waggerman. It would have been obvious to one of ordinary skill in the art to have modified one of the admitted prior art band saws, for example Nakahara, by bending all of the teeth to one side, as is old and well known and taught by Waggerman, in order to create a curving kerf and thus make an arcuate product.

In regards to claims 2 and 3, Examiner takes Official Notice that it is old and well known to have projecting tooth tips of generally the recited dimension. Examples of

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such are the patents to Kobayashi et al., Kawakami et al. and Kataoka et al. It would have been obvious to one of ordinary skill in the art to have made projections with the recited dimensions on the tooth tips of the modified bandsaw, in order to effectively widen the kerf and thus prevent blade binding.

5. Made of record but not relied upon are patents to Stradling and Tsunoda showing teeth bent to just one side.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp
August 11, 2004



KENNETH E. PETERSON
PRIMARY EXAMINER